

Missouri Department of Public Safety



Peace Officer Standards and Training (POST) Program

Chapter 590 RSMo

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590.010

As used in this chapter, the following terms mean:

- (1) "Commission", when not obviously referring to the POST commission, means a grant of authority to act as a peace officer;**
- (2) "Director", the director of the Missouri department of public safety or his or her designated agent or representative;**
- (3) "Peace officer", a law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed to be a peace officer by state statute;**
- (4) "POST commission", the peace officer standards and training commission;**
- (5) "Reserve peace officer", a peace officer who regularly works less than thirty hours per week.**

590.020

- 1. No person shall hold a commission as a peace officer without a valid peace officer license.**
- 2. The director shall establish various classes of peace officer license and may provide that certain classes are not valid for commission within counties of certain classifications, by certain state agencies, or for commission as other than a reserve peace officer with police powers restricted to the commissioning political subdivision.**
- 3. Notwithstanding any other provision of this chapter, no license shall be required:**
 - (1) Of any person who has no power of arrest;**
 - (2) To seek or hold an elected county office, subject to such requirements as chapter 57, RSMo, may impose;**
 - (3) To be commissioned pursuant to section 64.335, RSMo, as a park ranger not carrying a firearm;**
 - (4) To be commissioned as a peace officer by a political subdivision having less than four full-time paid peace officers or a population less than two thousand, provided that such commission was in effect on August 28, 2001 and continually since that date, and provided that this exception shall not apply to any commission within a county of the first class having a charter form of government;**
 - (5) Of any reserve officer continually holding the same commission since August 15, 1988; or**
 - (6) For any person continually holding any commission as a full-time peace officer since December 31, 1978.**
- 4. Any political subdivision or law enforcement agency may require its peace officers to meet standards more stringent than those required for licensure pursuant to this chapter.**

590.030

- 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.**
- 2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license.**
- 3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.**
- 4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.**
- 5. As conditions of licensure, all licensed peace officers shall:**
 - (1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; and**
 - (2) Maintain a current address of record on file with the director.**
- 6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the re-licensure of such persons and may require retraining as a condition of eligibility for re-licensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement commission requiring a peace officer license but not meeting the definition of a peace officer pursuant to this chapter.**

590.040

1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower than four hundred seventy and no higher than six hundred, with the following exceptions:

- (1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency;**
- (2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;**
- (3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;**
- (4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect; and**
- (5) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure.**

2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same commission or transferring to a commission in a similar jurisdiction.

3. The basic training of every peace officer, except agents of the conservation commission, shall include at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children; the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said curriculum shall be developed and

presented in consultation with the department of health and senior services, the division of family services, public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence.

590.050

1. The POST commission shall establish requirements for the continuing education of all peace officers. Peace officers who make traffic stops shall be required to receive annual training concerning the prohibition against racial profiling and such training shall promote understanding and respect for racial and cultural differences and the use of effective, non-combative methods for carrying out law enforcement duties in a racially and culturally diverse environment.

2. The director shall license continuing education providers and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision of the director pursuant to this subsection may appeal as provided in chapter 536, RSMo.

3. The costs of continuing law enforcement education shall be reimbursed in part by moneys from the peace officer standards and training commission fund created in section 590.178, subject to availability of funds, except that no such funds shall be used for the training of any person not actively commissioned or employed by a county or municipal law enforcement agency.

4. The director may engage in any activity intended to further the professionalism of peace officers through training and education, including the provision of specialized training through the department of public safety.

590.060

- 1. The POST commission shall establish minimum standards for training instructors and training centers, and the director shall establish minimum qualifications for admittance into a basic training course.**
- 2. The director shall license training instructors, centers, and curricula, and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision pursuant to this subsection may appeal as provided in chapter 536, RSMo.**
- 3. Each person seeking entrance into a basic training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center where such person is seeking entrance. The training center shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the director. The person seeking entrance may be charged a fee for the cost of this procedure.**

590.070

1. The chief executive officer of each law enforcement agency shall, within thirty days after commissioning any peace officer, notify the director on a form to be adopted by the director. The director may require the chief executive officer to conduct a current criminal history background check and to forward the resulting report to the director.

2. The chief executive officer of each law enforcement agency shall, within thirty days after any licensed peace officer departs from employment or otherwise ceases to be commissioned, notify the director on a form to be adopted by the director. Such notice shall state the circumstances surrounding the departure from employment or loss of commission and shall specify any of the following that apply:

- (1) The officer failed to meet the minimum qualifications for commission as a peace officer;**
- (2) The officer violated municipal, state or federal law;**
- (3) The officer violated the regulations of the law enforcement agency; or**
- (4) The officer was under investigation for violating municipal, state or federal law, or for gross violations of the law enforcement agency regulations.**

3. Whenever the chief executive officer of a law enforcement agency has reasonable grounds to believe that any peace officer commissioned by the agency is subject to discipline pursuant to section 590.080, the chief executive officer shall report such knowledge to the director.

590.080

1. The director shall have cause to discipline any peace officer licensee who:

- (1) Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety as a result of a mental condition, including alcohol or substance abuse;**
- (2) Has committed any criminal offense, whether or not a criminal charge has been filed;**
- (3) Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person;**
- (4) Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;**
- (5) Has violated a condition of any order of probation lawfully issued by the director; or**
- (6) Has violated a provision of this chapter or a rule promulgated pursuant to this chapter.**

2. When the director has knowledge of cause to discipline a peace officer license pursuant to this section, the director may cause a complaint to be filed with the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for discipline, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the director to determine appropriate discipline when cause exists pursuant to this section.

3. Upon a finding by the administrative hearing commission that cause to discipline exists, the director shall, within thirty days, hold a hearing to determine the form of

discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

4. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication.

5. Nothing contained in this section shall prevent a licensee from informally disposing of a cause for discipline with the consent of the director by voluntarily surrendering a license or by voluntarily submitting to discipline.

6. The provisions of chapter 621, RSMo, and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission and pursuant to this section the rights and duties of the parties involved.

590.090

1. The director shall have cause to suspend immediately the peace officer license of any licensee who:

- (1) Is under indictment for, is charged with, or has been convicted of the commission of any felony;**
- (2) Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or revoking a peace officer license or certification; or**
- (3) Presents a clear and present danger to the public health or safety if commissioned as a peace officer.**

2. At any time after the filing of a disciplinary complaint pursuant to section 590.080, if the director determines that probable cause exists to suspend immediately the peace officer license of the subject of the complaint, the director may, without notice or hearing, issue an emergency order suspending such license until final determination of the disciplinary complaint. Such order shall state the probable cause for the suspension and shall be served upon the licensee by certified mail at the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. The director shall also notify the chief executive officer of any law enforcement agency currently commissioning the officer. The director shall have authority to dissolve an emergency order of suspension at any time for any reason.

3. A licensee subject to an emergency order of suspension may petition the administrative hearing commission for review of the director's determination of probable cause, in which case the administrative hearing commission shall within five business days conduct an emergency hearing, render its decision, and issue findings of fact and conclusions of law. Sworn affidavits or depositions shall be admissible on the issue of probable cause and may be held sufficient to establish

probable cause. The administrative hearing commission shall have no authority to stay or terminate an emergency order of suspension without a hearing pursuant to this subsection. Findings and conclusions made in determining probable cause for an emergency suspension shall not be binding on any party in any proceeding pursuant to section 590.080.

4. Any party aggrieved by a decision of the administrative hearing commission pursuant to this section may appeal to the circuit court of Cole County as provided in section 536.100, RSMo.

590.100

1. The director shall have cause to deny any application for a peace officer license or entrance into a basic training course when the director has knowledge that would constitute cause to discipline the applicant if the applicant were licensed.

2. When the director has knowledge of cause to deny an application pursuant to this section, the director may grant the application subject to probation or may deny the application. The director shall notify the applicant in writing of the reasons for such action and of the right to appeal pursuant to this section.

3. Any applicant aggrieved by a decision of the director pursuant to this section may appeal within thirty days to the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for denial, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for denial or any rehabilitation of the applicant or otherwise impinge upon the discretion of the director to determine whether to grant the application subject to probation or deny the application when cause exists pursuant to this section. Failure to submit a written request for a hearing to the administrative hearing commission within thirty days after a decision of the director pursuant to this section shall constitute a waiver of the right to appeal such decision.

4. Upon a finding by the administrative hearing commission that cause for denial exists, the director shall not be bound by any prior action on the matter and shall, within thirty days, hold a hearing to determine whether to grant the application subject to probation or deny the application. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

5. The provisions of chapter 621, RSMo, and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission pursuant to this section and the rights and duties of the parties involved.

590.110

1. The director may investigate any cause for the discipline of any license or denial of any application pursuant to this chapter. During the course of such investigation, the director shall have the power to inspect any training center, require by subpoena the attendance and sworn deposition of any witness and the production of any documents, records, or evidence that the director deems relevant. Subpoenas shall be served by a person authorized to serve subpoenas of courts of record. In lieu of the production of any document or record, the director may require that a sworn copy of such document or record be delivered to the director.

2. The director may apply to the circuit court of Cole County or of any county where the person resides or may be found for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced. A show cause order and a copy of the application shall be served upon the person in the same manner as a summons in a civil action. If, after a hearing, the circuit court determines that the subpoena should be enforced, the court shall proceed to enforce the subpoena in the same manner as in a civil case.

590.118

- 1. All completed investigations of alleged acts of a peace officer shall be made available to any hiring law enforcement agency. The transfer of any law enforcement agency record to another law enforcement agency does not make the record a public record.**
- 2. Any law enforcement agency with information showing a peace officer's unfitness for licensure shall provide such information to the peace officer's standards and training commission.**

590.120

1. There is hereby established within the department of public safety a "Peace Officer Standards and Training Commission" which shall be composed of nine members, including a voting public member, appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. No member of the POST commission shall reside in the same congressional district as any other at the time of their appointments but this provision shall not apply to the public member. Three members of the POST commission shall be police chiefs, three members shall be sheriffs, one member shall represent a state law enforcement agency covered by the provisions of this chapter, and one member shall be a chief executive officer of a certified training academy. The public member shall be at the time of appointment a registered voter; a person who is not and never has been a member of any profession certified or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession certified or regulated under this chapter. Each member of the POST Commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are peace officers shall be qualified as established by this chapter. No member of the POST commission serving a full term of three years may be reappointed to the POST commission until at least one year after the expiration of his most recent term.

2. Three of the original members of the POST commission shall be appointed for terms of one year, three of the original members shall be appointed for terms of two years, and three of the original members shall be appointed for terms of three years. Thereafter the terms of the members of the POST commission shall be for three years or until their successors are appointed. The director may remove any member of the POST commission for misconduct or neglect of office. Any member of the POST commission may be removed for cause by the director but such member shall

first be presented with a written statement of the reasons thereof, and shall have a hearing before the POST commission if the member so requests. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term.

3. Annually the director shall appoint one of the members as chairperson. The POST commission shall meet at least twice each year as determined by the director or a majority of the members to perform its duties. A majority of the members of the POST commission shall constitute a quorum.

4. No member of the POST commission shall receive any compensation for the performance of his official duties.

5. The POST commission shall guide and advise the director concerning duties pursuant to this chapter.

590.178

1. There is hereby created in the state treasury the "Peace Officer Standards and Training Commission Fund". The peace officer standards and training commission fund shall be administered by the peace officer standards and training commission. Money in the fund shall be used solely for training required as provided in sections 590.100 to 590.180, or for additional training for peace officers or for training for other law enforcement employees appointed by the county or municipality as approved by the commission. All interest earned upon moneys in the fund shall be credited to the peace officer standards and training commission fund.

2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the peace officer standards and training fund shall not be transferred and placed to the credit of the general revenue fund.

590.180

- 1. No arrest shall be deemed unlawful solely because of the licensure status of a peace officer, and evidence on the question cannot be received in any civil or criminal case.**
- 2. The name, licensure status, and commissioning or employing law enforcement agency, if any, of applicants and licensees pursuant to this chapter shall be an open record. All other records retained by the director pertaining to any applicant or licensee shall be confidential and shall not be disclosed to the public or any member of the public, except with written consent of the person or entity whose records are involved, provided, however, that the director may disclose such information in the course of voluntary interstate exchange of information, during the course of litigation involving the director, to other state agencies, or, upon a final determination of cause to discipline, to law enforcement agencies. No closed record conveyed to the director pursuant to this chapter shall lose its status as a closed record solely because it is retained by the director. Nothing in this section shall be used to compel the director to disclose any record subject to attorney-client privilege or work-product privilege.**
- 3. In any investigation, hearing, or other proceeding pursuant to this chapter, any record relating to any applicant or licensee shall be discoverable by the director and shall be admissible into evidence, regardless of any statutory or common law privilege or the status of any record as open or closed, including records in criminal cases whether or not a sentence has been imposed. No person or entity shall withhold records or testimony bearing upon the fitness to be commissioned as a peace officer of any applicant or licensee on the ground of any privilege involving the applicant or licensee, with the exception of attorney-client privilege.**
- 4. Any person or entity submitting information to the director pursuant to this chapter and doing so in good faith and without negligence shall be immune from all criminal and civil liability arising from the submission of such information and no cause of action of any nature shall arise against such person.**

5. No person shall make any unauthorized use of any testing materials or certification examination administered pursuant to subsection 2 of section 590.030.

590.190

Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are non-severable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

590.195

1. A person commits a class B misdemeanor if, in violation of this chapter, such person knowingly:

- (1) Holds a commission as a peace officer without a peace officer license valid for such commission; or**
- (2) Grants or continues the commission of a peace officer not validly licensed for such commission.**

2. Any person who purposely violates any other provision of this chapter shall be guilty of a class B misdemeanor.

3. Any law enforcement agency that commissions a peace officer in violation of this chapter or that is otherwise in violation of any provision of this chapter shall not be eligible to receive state or federal funds that would otherwise be paid to it for the purpose of training and licensing peace officers or for any other law enforcement, safety, or criminal justice purpose.

